



SB 499 S-2
Rail-Trail Broadband Deployment

Overview

SB 499 amends the "Natural Resources and Environmental Protection Act" to simplify the process by which easements are granted on state-owned rail-trail corridors. The legislation also decreases the cost of deploying broadband facilities by reducing the fees associated with utilizing these corridors. Further, a new fund is established from the rail-trail easement proceeds. Grants from this fund will be used to encourage development and maintenance of rail-trail corridors.

The Details

Under this legislation, telecommunication providers would apply to the Department of Natural Resources (DNR) for permission to install telecommunications facilities in a rail-trail corridor. The DNR shall grant permission within 45 days and must limit their application fees for the rail-trail easement to \$350.00.

Authorization to utilize the rail-trail corridor comes with the following stipulations for telecommunications companies:

- Facilities must be buried or attached to existing above ground structures.
- Placement, installation or repair of the facilities must not unreasonably interfere with the use of the rail-trail.
- Providers must notify the DNR within 10 days of installing the facilities in the corridor.
- Providers pay a one-time 5 cents per linear foot fee for the space occupied by the facilities.

The Michigan Trailway Development Fund is created and the 5 cent per linear foot easement fee from providers is deposited into this fund. The DNR will issue grants from this fund to local units of government and other organizations involved with the use of rail-trails for the development and maintenance of rail-trails for motorized and non-motorized recreational uses.

The Benefits

SB 499 is needed to decrease the state-generated costs of broadband deployment and increase the efficiency of receiving easements/permits for telecommunications providers. The cost savings in SB 499 creates broadband deployment opportunities for providers and will help to bring much-needed broadband infrastructure to all of Michigan's citizens. Lowering the fees will spur new investments by broadband providers who find the current structure to be cost prohibitive. Further, the creation of a fund dedicated to trail development underscores the importance of Michigan recreational assets and allows for the continued beauty and accessibility of the trail for bikers and nature enthusiasts.

Compromises Made By Telecom Providers to the DNR on SB 499

As Introduced

No per foot fee for use of rail trail by providers

DNR must issue permit within 30 days

No notice required by provider to DNR on construction start and completion dates

Providers must restore land after installation

Providers not required to coordinate project dates with DNR to avoid pre-planned events

No provision addressing status of existing agreements

No financial support identified for trail maintenance

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5 cent per foot fee for use of rail trail

DNR must issue permit within 45 days

30-day notice required by provider to DNR on construction start and completion dates

Providers must restore land after installation and repairs

Providers must coordinate project dates with DNR to avoid pre-planned events

Existing agreements grandfathered

Fund created to support trail maintenance and development